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1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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ORIGINAL: ENGLISH

1995 REVIEW AND EXTENSION CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

MAIN COMMITTEE II

SUMMARY RECORD OF THE 1st MEETING

Held at United Nations Headquarters, New York,
on Wednesday, 19 April 1995, at 3 p.m.

Chairman: Mr. ERDÖS (Hungary)

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GENERAL EXCHANGE OF VIEWS

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The meeting was called to order at 3.30 p.m.

PROGRAMME OF WORK

1. The CHAIRMAN said that the Preparatory Committee for the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons had allocated to Main Committee II consideration of the review of the operation of the Treaty as provided for in its article VIII, paragraph 3, and specifically the implementation of the provisions of the Treaty relating to the non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones under article III and the fourth and fifth preambular paragraphs, especially in their relationship to article IV and the sixth and seventh preambular paragraphs; articles I and II and the first, second and third preambular paragraphs in their relationship to articles III and IV; and article VII. The Committee would also consider other provisions of the Treaty, the role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at promoting wider acceptance of the Treaty. He proposed that the Committee should begin its work with a general exchange of views in order to give delegations an opportunity to express their positions on the operation of the relevant provisions of the Treaty and then proceed to its consideration of the operation of the Treaty relating to the non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones and of the role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament, including measures aimed at promoting wider acceptance of the Treaty. Finally, the Committee would submit its finalized report to the Conference.

2. A major task of the Committee was to review the implementation of the safeguards system of the International Atomic Energy Agency (IAEA). Previous Treaty review conferences had highlighted the key role of IAEA safeguards in preventing the proliferation of nuclear weapons. The process of strengthening IAEA safeguards and improving their efficiency was continuing. In that regard, IAEA had demonstrated its readiness to share with the Committee its experience related to "Programme 93 + 2" and to discuss current efforts to strengthen the safeguards system.

3. Finally, he recalled that at the Fourth Review Conference in 1990, Main Committee II had reached consensus on almost all the topics it had discussed. He believed that the agreed language reflected in the report of Main Committee II to the Conference (NPT/CONF.IV/45/II) should serve as a basis for discussion on which the Committee could elaborate in the light of developments of the past five years.

GENERAL EXCHANGE OF VIEWS

4. Mr. WALKER (Australia) said his delegation had noted with satisfaction that, on the whole, safeguards had delivered the benefits envisaged by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Safeguards were the practical manifestation of a State's commitment under the Treaty not to acquire

nuclear weapons. They enhanced security on a global and regional scale, provided a framework for cooperation in the peaceful uses of nuclear energy and maintained a necessary environment of confidence in which the process of nuclear disarmament could develop. It was in the interest of all States parties to the Treaty that those States which had not yet acceded to the Treaty should do so, and that all parties rapidly conclude and bring into force the required safeguards agreements.

5. Since the Fourth Review Conference two States parties had been found to be in non-compliance with their obligations under their NPT safeguards agreements and consequently under the Treaty. The experience with Iraq and the Democratic People's Republic of Korea had confirmed the urgent need to strengthen safeguards, not only in order to keep up with developments in technology, but also to improve detection of undeclared nuclear activities. The Security Council had been directly involved in both cases of non-compliance and States parties to the Treaty should emphasize its vital role in enforcing compliance with IAEA safeguards agreements and obligations.

6. The Committee should review the implementation and effectiveness of safeguards and make clear recommendations for their future operations. It should support measures to ensure the early provision to IAEA of design information on nuclear facilities and the introduction of the universal reporting scheme. The Committee should support the access by IAEA to broader information and reaffirm the Agency's right to undertake special inspections. The value of those measures had been clearly demonstrated in the Democratic People's Republic of Korea where IAEA had been able to detect evidence of possible undeclared activity. Furthermore, he urged the Conference to call on those States parties who had not yet concluded their safeguards agreements to remedy that situation.

7. His delegation believed a new standard of cooperation with IAEA in safeguards implementation was needed and strongly endorsed the new measures proposed by the IAEA as part of its "Programme 93 + 2" to increase the effectiveness and efficiency of safeguards. Under "Programme 93 + 2" comprehensive safeguards agreements should provide for IAEA verification of the correctness and completeness of declarations by States to provide credible assurances of the non-diversion of nuclear material from declared activities and the absence of undeclared activities. Under comprehensive safeguards, States parties and IAEA had an obligation to cooperate fully to facilitate implementation of the agreements. "Programme 93 + 2" emphasized that a strengthened safeguards system would benefit from technological developments and called for greater access to relevant sites and information. As new measures were implemented and more facilities were placed under safeguards, the budget and resources of IAEA would continue to be stretched. In that regard, the Conference should wholeheartedly support all efforts aimed at improving the efficiency of IAEA safeguards, as well as current measures to facilitate safeguards implementation and ensure that the safeguards programme was adequately funded.

8. The Conference should acknowledge that increased nuclear transparency and improved cooperation for safeguarding activities required providing greater information and facilitation in areas such as the designation of inspectors,

multiple entry visas and independent communications for inspectors. The Conference should endorse basic principles on nuclear supply and enhance the role of national export and import control mechanisms to ensure that supplier countries complied with their obligations under articles I, II, III and IV of the Treaty. In addition, States parties should be encouraged to consider further ways to improve measures to stem nuclear proliferation without impeding their legitimate right to develop nuclear energy for peaceful purposes.

9. The Conference should strongly urge nuclear weapon States which had not yet done so to place excess fissile material and nuclear installations transferred from military to peaceful uses under IAEA safeguards. It should call for the highest standards for the physical protection of nuclear material, especially when it was used for military purposes and should welcome the work undertaken by IAEA to respond to reports of illicit trafficking in nuclear materials, while recognizing that States parties needed to strengthen international cooperation and physical protection. The States concerned should be encouraged not to stockpile uranium and plutonium in excess of normal civilian operational requirements.

10. With regard to the issue of nuclear-weapon-free zones under article VII of the Treaty, his delegation welcomed the upcoming entry into force of an African nuclear-weapon-free-zone treaty. He commended the important recent steps taken by Brazil and Cuba which had helped to bring closer the entry into force of the Treaty of Tlatelolco and urged those countries to support non-proliferation not only regionally, but globally by adhering to the Treaty. His delegation strongly supported the agreed framework which had emerged from negotiations between the United States of America and the Democratic People's Republic of Korea, providing a basis for a thorough resolution of the nuclear issue involving the latter country and for the implementation of an agreement between the two Korean States for the denuclearization of the Korean peninsula. Finally, he looked forward to the earliest possible discussions for the establishment of nuclear-weapon-free zones in the Middle East and in the South East Asian regions.

11. Mr. MACKINNON (Canada) said that IAEA safeguards not only ensured that States were complying with their commitments under articles I and II of the Treaty but also enabled States to engage in peaceful uses of nuclear energy, as envisaged under article IV, in an atmosphere of confidence. In the long term, such safeguards were also a key to the eventual implementation of article VI.

12. IAEA safeguards had been put in place to detect the diversion of nuclear energy from peaceful uses to the production of nuclear weapons or other nuclear explosive devices. In that regard, the Conference should note with regret that two States parties to the non-proliferation Treaty had been found to be in non-compliance with the provisions of the Treaty or their safeguards agreements with IAEA. While in one case non-compliance had been detected by safeguards, the international community had been alarmed that, in the other case, routine safeguards activities had not detected violations of the Treaty and the safeguards obligations.

13. Efforts must be made to strengthen the safeguards system. An important step had been taken in that direction in March 1995 at the meeting of the IAEA

Board of Governors, which had reiterated that the purpose of comprehensive safeguards agreements was to verify that nuclear material in all nuclear activities was not diverted to nuclear weapons. The Board had noted that the safeguards system should be designed to provide for verification of the correctness and completeness of States' declarations so that there was credible assurance of the non-diversion of declared nuclear material and the absence of undeclared nuclear material and related activities. In order to achieve that broad purpose, increased rights of access to information and to both nuclear and non-nuclear facilities would be required.

14. Increased access to nuclear facilities could be provided in a manner compatible with the need for the efficient operation of facilities and could lead to more cost-effective safeguards. Moreover, an enhanced and more comprehensive declaration was critical to the Agency's ability to fulfil its responsibilities and should not be an onerous or expensive development.

15. With the number of accessions to the Treaty and, consequently, to its safeguards system since 1990, the international community had drawn significantly closer to the universal application of IAEA safeguards. Nevertheless, his delegation was concerned that a significant number of States remained outside the NPT system and that many States parties to the Treaty had not concluded safeguards agreements with IAEA.

16. The importance of recent unilateral offers to place excess fissile material under IAEA safeguards should not be underestimated. His delegation urged all nuclear-weapon States to offer for verification any nuclear materials and nuclear facilities that might be transferred from military use to peaceful nuclear activities by submitting them to IAEA safeguards. There should also be greater transparency on matters pertaining to the management of plutonium and highly enriched uranium. Such material should not be stockpiled by any State in excess of normal civilian operational requirements.

17. States capable of supplying items that could be used for nuclear proliferation had an obligation to ensure that their nuclear exports were consistent with their nuclear non-proliferation obligations under the Treaty. Export controls enabled States to fulfil such obligations. National and multilateral measures in that regard were an essential element of the nuclear non-proliferation regime. Since 1976, Canada had adopted a policy requiring full-scope safeguards as a condition of supply, and it hoped that the Conference would endorse that principle, as had the 1990 Review Conference. His delegation would be pleased to join as a co-sponsor of a proposal on the subject.

18. It was a misconception that export controls inhibited trade or that they were based on an assumption of denial. On the contrary, they were based on the assumption that nuclear cooperation was desirable as long as it did not contribute to the proliferation of nuclear weapons or other nuclear explosive devices. Such controls were not roadblocks but confidence-building measures that fostered cooperation. The multilateral nature of export controls ensured that nuclear non-proliferation concerns did not become an element of commercial competition. With nuclear cooperation and trade with over 30 States parties to the Treaty in all regions of the world, Canada, the world's largest exporter of

uranium and a major nuclear supplier, had found that such requirements had by no means hampered its cooperation.

19. Mr. HOFFMANN (Germany) said that, in the 25-year history of the non-proliferation Treaty, IAEA safeguards had been the cornerstone of the non-proliferation regime. Germany was a large-scale user of nuclear energy and had decades of experience with the application of international safeguards. Such safeguards had enabled Germany to provide assurances about its compliance with its commitments under the Treaty. Germany's experiences extended to the synergy of the global IAEA safeguard system with the regional safeguards activities of the European Atomic Energy Community (EURATOM), and it welcomed the recent partnership agreement between IAEA and EURATOM.

20. The IAEA safeguards system had worked well and proven its flexibility and adaptability over time. Initially, there had been only limited experience with safeguarding sensitive facilities such as enrichment or reprocessing plants. In collaboration with certain of its members, including Germany, IAEA had developed credible safeguards approaches for those facilities.

21. With the revelation of Iraq's secret nuclear weapons programme, it had become clear that the Agency had to improve its capability to detect undeclared nuclear activities. Germany had endorsed the steps taken by the IAEA secretariat and had co-sponsored and supported the decisions of the Board of Governors to that effect. As the case of non-compliance by the Democratic People's Republic of Korea had demonstrated, the right of the Agency to conduct special inspections had not yet been accepted by all States parties to the Treaty. His delegation supported all steps to ensure the full implementation of that right as soon as possible.

22. His delegation fully supported current efforts to improve the Agency's instruments for detecting undeclared nuclear plants and materials and enhancing the efficiency and effectiveness of its safeguards approach. Germany welcomed the Agency's research and development efforts and had oriented its national safeguards support programme towards the same objectives. As enhanced transparency offered by non-nuclear-weapon States better enabled the Agency to achieve that goal, a reduction in the routine safeguards effort should be considered.

23. While considerable efforts were being made to improve the safeguards system applicable to non-nuclear-weapon States parties to the Treaty, the international community should also take steps to universalize that system. His delegation strongly supported the requirement for full-scope safeguards as a condition for all new nuclear supply contracts and it applied that principle in its own trade policy. His delegation called upon all nuclear supplier States that had not yet done so to incorporate the condition of full-scope safeguards into their own supply policies.

24. The principle of the universal application of IAEA safeguards should be indivisible. Recent concerns about accounting for nuclear material in nuclear-weapon States pointed to the general utility of safeguards for all peaceful activities in both non-nuclear-weapon States and nuclear-weapon-States. His delegation called upon all nuclear-weapon States to submit their peaceful

nuclear activities to the safeguards standards that were applied to non-nuclear-weapon States under the provisions of the Treaty.

25. Mr. ANDREW (United Kingdom) said that the IAEA safeguards system had performed well over the years, and the application of safeguards had been fair and even-handed. One serious development over the past five years had been the bad faith of some States parties. Current events in Iraq had clearly demonstrated that it was not enough simply to verify the non-diversion of declared nuclear material. The Agency had recognized that fact and had presented an important set of proposals designed to strengthen the safeguards system by improving its ability to detect undeclared activities. His delegation had been encouraged by the positive response of the Agency's Board of Governors to those proposals and looked forward to early agreement on their implementation. His delegation also welcomed the efficiency improvements already made by IAEA, as well as those proposed as part of "Programme 93 + 2".

26. Neither the export controls applied responsibly by States parties in accordance with their obligations under the Treaty nor the Agency's safeguards implementation had hampered the economic or technological development of non-nuclear-weapon States. The successful and wide-ranging nuclear programmes of many States were evidence of the fact.

27. His delegation urged all States parties that had not yet done so to conclude and bring into force their safeguards agreements with IAEA.

28. Mr. KHLEBNIKOV (Russian Federation) said that, as a State party to the non-proliferation Treaty and one of its depositaries, the Russian Federation considered the IAEA safeguards system, to be an effective instrument that increased confidence in the observance of the Treaty and the detection of unauthorized activities. The safeguards system was an additional means of strengthening security, especially at the regional level.

29. In keeping with its obligations under article III of the Treaty, the Russian Federation had continued to provide nuclear materials and equipment for peaceful purposes only to those non-nuclear-weapon States that agreed to the application of IAEA safeguards. Together with other nuclear supplier States, the Russian Federation was taking part in efforts to refine and update the list of nuclear materials and equipment whose export was subject to the application of IAEA safeguards, and it adhered strictly to that list in its export policy.

30. All nuclear supplier States should observe the principle of full-scope safeguards. In 1992, the Russian Federation had introduced a new system of export controls that required export and import licences for dual-purpose items that could be used to build a nuclear explosive device.

31. The Russian Federation was participating actively in the further development of the concept of special inspections, including the inspection of undeclared facilities. At the same time, the Agency's efforts to apply the safeguards should not hinder scientific and technological progress or international cooperation among States in the peaceful uses of nuclear energy. Such efforts should be based on the optimum use of the Agency's human and material resources.

32. In accordance with the safeguards agreement concluded between IAEA and the Soviet Union on 10 June 1985, the Russian Federation had cooperated with the Agency and had allowed it to inspect its peaceful nuclear facilities. The Russian Federation had also provided the Agency with highly qualified specialists who had taken part in inspection activities in accordance with Security Council resolution 687 (1991) and in the assessment of South Africa's former nuclear weapons programme. Experts from the Russian Federation had also taken part in the work of the advisory groups on the assessment of the effectiveness of safeguards and the elaboration of effective ways of improving the technical means of verification.

33. The Russian Federation had continued to contribute to the technical development of safeguards through its national programme of scientific and technical support for IAEA safeguards. Between 1990 and 1995, leading research institutes and organizations in the Russian Federation had taken part in the programme, and in 1994 alone more than 500 million roubles had been spent on activities under the programme. Research institutes in the Russian Federation assisted the Agency in carrying out analyses of used fuel samples taken by IAEA specialists during inspections and of samples from the environment taken to monitor undeclared activities in the reprocessing and enrichment of nuclear material. As part of its national programme, the Russian Federation had developed a small-scale spectrometric detector that had been widely used by the Agency in the monitoring of spent fuel.

34. The Russian Federation held annual international training courses for IAEA inspectors: beginning inspectors were trained at the Novovoronezh nuclear power plant and experienced inspectors at new nuclear facilities that had been placed under IAEA safeguards. In addition, Russian scientific institutes had held courses for the staff of national systems on methods of taking inventory of and monitoring nuclear material.

35. The Russian Federation was participating in "Programme 93 + 2" to improve the effectiveness of the IAEA safeguards system. Studies were being conducted on the ways to monitor the environment with a view to detecting signs of the undeclared construction and testing of nuclear explosive devices. Efforts were being made to establish indicators of nuclear weapons activities, develop methods for selecting and analysing samples of the environment and assess the effectiveness of the application of that method in international safeguards.

36. The Russian Federation was in favour of broadening international cooperation to prevent illegal trafficking in nuclear materials. All sovereign States that possessed nuclear materials had the obligation to guarantee their non-proliferation, physical protection, security and safekeeping, and they would also be held responsible in the event that such materials disappeared, were stolen or illegally moved. States should also help the Agency make use of its great potential to improve the level of physical protection and develop monitoring and inventory systems. Bilateral cooperation between law-enforcement agencies was of particular importance. The Russian Federation had signed a bilateral agreement with Germany on cooperation to prevent illegal trafficking in nuclear materials, and it intended to expand its cooperation in that area with other countries and organizations.

37. Mr. ROSENTHAL (United States of America) said IAEA safeguards were an effective means of demonstrating the transparency and irreversibility of nuclear arms reductions. The nuclear activities of non-nuclear-weapon States that had not concluded full-scope safeguards agreements represented a serious risk of nuclear proliferation. His delegation urged all States that had not yet done so to accede to the Treaty and conclude such agreements. It also urged States parties to the Treaty that had not yet done so to conclude the required safeguards agreements.

38. While the IAEA safeguards system had performed well over the past five years, there was a clear need to enhance the safeguards. His delegation commended the Agency's work in uncovering violations of safeguards agreements in Iraq and the Democratic People's Republic of Korea. The Conference should take note of the Agency's efforts and recognize the important role of the Security Council in addressing cases of non-compliance with the Treaty.

39. The discovery of Iraq's clandestine nuclear weapons programme made it clear that IAEA safeguards needed to be strengthened. Relevant actions began at the meeting of the IAEA Board of Governors in February 1992, at which the Board had reaffirmed the Agency's right to conduct special inspections and require the early provision by States of information about their nuclear facilities. In February 1993, the Board had endorsed the reporting scheme for additional information on imports and exports. His delegation urged all States to provide the Agency with relevant information that would assist the Agency in fulfilling its responsibilities. At the same time, the Agency must carefully assess all such information.

40. Additional measures needed to be assessed and implemented to further strengthen IAEA safeguards. The Agency had responded by initiating its "Programme 93 + 2". The Conference provided the States parties to the Treaty with an opportunity to give substantial support to "Programme 93 + 2" as a means of fundamentally strengthening the verification of States parties' obligations under the Treaty. In particular, the Conference should express its conviction that the application of IAEA safeguards under NPT safeguards agreements must include the regular application of measures that provided credible assurance that there were no undeclared activities.

41. The Conference should express its strong support for adequate funding for IAEA safeguards and should urge the Agency, in particular its member States, to adopt arrangements that would ensure the long-term funding of IAEA safeguards at a level sufficient to maintain its important contribution to international security.

42. Since the early 1970s, the States parties to the Treaty had been meeting on a regular basis to ensure that the export of nuclear material and certain equipment was subject to IAEA safeguards. His delegation believed that the work of the Zangger Committee had been essential in giving effect to States parties' commitments under articles I, II and III of the Treaty, and should be continued. The work of the Zangger Committee, as well as the Nuclear Supplier Group, was open and transparent, and their guidelines were published by IAEA and available to all interested parties. His delegation urged all States parties to the Treaty to adopt the guidelines of the Zangger Committee.

43. The 1990 Review Conference had reached agreement on a number of important principles regarding export controls, including the need for all parties to take steps to ensure that their exports did not assist nuclear-weapon programmes in non-nuclear-weapon States, the need to ensure that preference in nuclear cooperation was provided to States parties to the Treaty, the need to coordinate the control of items not identified in article III, paragraph 2, that could assist nuclear-weapons programmes, and the need for full-scope safeguards as a condition of future supply. Those principles were just as valid in 1995 as they had been five years ago, and his delegation urged the Committee to adopt them again.

44. His delegation supported nuclear-weapon-free zones, such as those in Latin America, the South Pacific, Africa, South-East Asia, the Middle East and South Asia. Such zones could be an important complement to the global undertakings contained in the Treaty, and the Conference should recognize the many positive developments since 1990 relating to nuclear-weapon-free zones.

45. Mr. KAHILUOTO (Finland) said that, on the question of safeguards, article III of the Treaty was clear and unambiguous. The Treaty was also clear with regard to the time-frames involved. However, dozens of States parties to the Treaty had not agreed to comprehensive safeguards agreements of the type referred to in INFCIRC/153 of IAEA, and that situation was clearly unacceptable. In a diplomatic effort prior to the Conference, Finland and other Nordic States had approached States parties to the Treaty which had not concluded safeguards agreements. On a national basis, Finland had also participated as a donor country in organizing safeguards support programmes for the Baltic States and Ukraine. Finland hoped that the Committee would continue to urge countries without safeguards agreements to live up to the non-proliferation commitment.

46. With regard to "Programme 93 + 2" of IAEA, the combined experience of non-compliance in Iraq and the Democratic People's Republic of Korea had shown that the original safeguards concepts of IAEA was inadequate. Nevertheless, Finland strongly supported "Programme 93 + 2" and hoped that the Conference would endorse all the measures provided for in it.

47. Finland had accepted IAEA safeguards on all its nuclear activities and was prepared to embark on the legislative measures deemed necessary to implement the extended access facilities proposed in "Programme 93 + 2".

48. Regarding the question of trade-off, he noted that IAEA had proposed fundamental changes to the current safeguards system. The new approach, namely to target undeclared activities and sites, was absolutely necessary. Such an approach would also necessitate a new set of legal instruments to clarify the rights of the Agency and its inspectors in performing their duties. Finland believed that any new instrument should eventually involve an incentive or trade-off. Such a trade-off would mean that countries acceding to or adopting a new and more intrusive IAEA safeguards instrument should and could be subject to fewer routine inspections. Finland hoped that the Committee would support such an approach; it also hoped that the Conference would endorse a time-frame for the implementation of the main provisions of "Programme 93 + 2" so that the momentum of the process could be maintained.

49. On the topic of nuclear technology transfers, he said that Finland required the acceptance of full-scope safeguards from any non-nuclear weapons recipient and government-to-government guarantees on non-retransfer from any recipient of nuclear transfer originating in Finland. The Conference should urge those few suppliers who still did not require full-scope safeguards as a condition of supply to introduce such requirements without delay.

50. Mr. OUVRY (Belgium) reminded the Committee that article III of the Treaty obliged States parties without nuclear weapons to submit all of their nuclear installations and nuclear material for IAEA inspection. Since the discovery of Iraq's secret nuclear programme, the international community had recognized that the non-proliferation Treaty could only be credible if it stipulated really effective inspection measures. The human and financial resources of the Agency should therefore be more effectively targeted to detect not only the diversion of declared nuclear materials but also clandestine nuclear activities. Belgium supported the proposed reforms of the inspection system that would give inspectors greater access to nuclear sites and allow the Agency to pursue a more selective approach in its inspections.

51. Like its European partners, Belgium had already put in place measures designed to strengthen the safeguards system, such as rapid transmission of information about new facilities and the declaration of imports and exports of nuclear weapons and certain types of equipment.

52. It was clear that illegal trafficking in nuclear materials originating in former communist countries posed a grave proliferation risk. In addition, it was easier to gain access to the sensitive technologies which made it possible to build nuclear weapons. Inventories of nuclear materials and physical protection measures needed to be strengthened, and the international community and IAEA could make a valuable contribution by helping national authorities to establish such mechanisms. Effective monitoring was also a precondition of the development of trade and technology transfer. Without the credible guarantee that supplied material would not be diverted to military or terrorist uses, all such technology transfers would be risky. Therefore the general guarantees provided by the Treaty were a foundation of rather than an obstacle to the sustained development of trade between States parties to the Treaty.

53. In addition to strengthening the safeguards system, Belgium favoured universal monitoring. Therefore it supported the extension of such monitoring of fissionable material arising from the dismantling of nuclear arsenals and civilian nuclear facilities in nuclear-weapons States. Belgium welcomed the fact that Presidents Yeltsin and Clinton had announced that any fissionable material deriving from the dismantling process should be monitored by IAEA.

54. On the topic of regional control systems, he reminded the Committee that Euratom monitored all civilian nuclear activities of States members of the European Union, regardless of whether they were nuclear-weapons States or not. EURATOM and IAEA had inaugurated a particularly fruitful partnership and made it possible to achieve savings in the latter monitoring activities. More generally, IAEA could delegate certain monitoring activities to regional bodies provided that such bodies possessed a respectable technical record and adequate institutional credibility.

55. Belgium supported international nuclear cooperation and welcomed any measure designed to achieve that end without risk of proliferation. The commitment of as many supplier States as possible to equitable and universally applicable rules governing the transfer of nuclear material and equipment would be a major step forward. Comprehensive safeguards should be a precondition of all nuclear-related exports.

56. Mr. ITALIANI (Italy) said that there seemed to be a consensus that the safeguards provided for in INFCIRC/153 were no longer appropriate or efficient and needed to be adapted, though such a task would be arduous and take a very long time. In the meantime "Programme 93 + 2" should be approved, which would effectively remedy the problem without having to resort to wholesale revision of INFCIRC/153. In addition, the Committee should support the attempts being made by IAEA to strengthen the NPT safeguards system.

57. The increased incidence of nuclear trafficking obviously indicated the inadequate nature of physical protection in many States. However, there was little IAEA could do about that problem without the cooperation of the States concerned.

The meeting rose at 5.25 p.m.

1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.1995/MC.II/SR.2
27 April 1995

ORIGINAL: ENGLISH

MAIN COMMITTEE II

SUMMARY RECORD OF THE 2nd MEETING

Held at United Nations Headquarters, New York,
on Friday, 21 April 1995, at 3 p.m.

Chairman: Mr. ERDÖS (Hungary)

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LECTURE BY THE REPRESENTATIVE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

GENERAL DEBATE (continued)

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95-80778 (E)

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The meeting was called to order at 3.20 p.m.

LECTURE BY THE REPRESENTATIVE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

1. A lecture was given by Mr. HOOPER (International Atomic Energy Agency (IAEA)), who then answered questions from members of the Committee.

2. The CHAIRMAN thanked Mr. Hooper, and invited the Committee to resume its general debate.

GENERAL DEBATE (continued)

3. Mr. PAPADIMITROPOULOS (Greece) suggested that, given the nature and importance of the current Conference, the Committee's review of the application of safeguards should not be limited to the past five years.

4. The International Atomic Energy Agency safeguards had in general been very successful. The regular assurances that the Secretariat had detected no diversion of nuclear or non-nuclear material, or misuse of facilities or equipment placed under safeguards, had enjoyed the confidence of the international community. There had been some criticism, but it had not called into question the performance or the integrity of the system as such, and the Agency's Board of Governors had ensured that the system was steered onto the right course.

5. There had been in recent years a number of serious challenges, such as the cases of Iraq and the Democratic People's Republic of Korea, demonstrating the urgent need for further strengthening of safeguards and for improvements in the detection of undeclared activities.

6. The Greek delegation fully endorsed the Agency's efforts to introduce new measures, known as the "Programme 93 + 2". The latter was expected to receive the necessary support and resources at the forthcoming meeting of the Board of Governors. The purpose of the strengthening process should be to achieve comprehensive safeguards, with full verification of all States' declared activities and of the absence of undeclared activities. The system should make use of any technological developments in the field. Narrow legalistic interpretations should be set aside, and the measures already available to the inspectorate should be modernized.

7. He welcomed the progress which had been achieved in cooperation between the International Atomic Energy Agency and the European Atomic Energy Community (EURATOM), as a result of their new partnership approach. There was still room for the two organizations to make further improvements and reduce unnecessary routine activities without sacrificing their authority to produce independent conclusions.

8. The Conference should reaffirm the paramount role of national import and export controls and mechanisms. International cooperation and export control mechanisms, open, transparent and free from discrimination, were becoming widely

accepted as a means to the objective of preventing the proliferation of nuclear weapons.

9. The international community should intensify its efforts to prevent illegal trafficking in nuclear materials, an issue having considerable implications in terms of both proliferation and human health. The European Union had instituted measures similar to those recently adopted by the International Atomic Energy Agency, such as the introduction of a data bank. The secretariats of the two bodies should begin consultations, in order to avoid duplication of work.

10. He reiterated that his Government strongly supported the indefinite and unconditional extension of the Treaty, to be decided by consensus through transparent, democratic means.

11. Mr. PERERA (Sri Lanka) said that, since the safeguard system was the main verification instrument currently available, the Committee's work represented a crucial area for the operation of the Treaty. The serious compliance problems which had recently arisen pointed to the need to strengthen the safeguards regime. Verification should promote, rather than diminish, confidence in the Treaty. The Committee should take account of the call by the Non-Aligned Group for comprehensive and strengthened safeguards to all nuclear activities and facilities. Consideration should be given to creating a mechanism whereby compliance issues could be addressed periodically by all States parties on an equal footing. It would not require any amendment to the Treaty.

12. Recent incidents involving terrorism and the smuggling of nuclear material, representing both security and environmental threats, highlighted the need for more comprehensive safeguard policies. States parties would be well advised to look into urgent ways of addressing that problem.

13. The establishment of nuclear-weapon-free zones in Latin America, Africa and the South Pacific was an important step forward, and the same process should be encouraged in areas such as his own region, South Asia. In that regard, the nuclear-weapon States should show a more forthcoming attitude to nuclear disarmament, a treaty on fissionable material and a comprehensive test-ban treaty. Security concerns of all countries, including those of the threshold States, should be accommodated in a way that could promote both global and regional non-proliferation arrangements.

14. Mrs. KUROKOCHI (Japan) said that the Treaty had played a vital role in preventing the spread of nuclear weapons and in providing significant security benefits. Some States parties, however, refusing to accept the IAEA safeguards, had attempted to develop or acquire nuclear weapons; that had necessitated a strengthening of the traditional safeguards system. Japan welcomed the recent IAEA decision regarding inspection and reporting, but considered that the action recommended by the IAEA secretariat at the recent meeting of the Board of Governors required further detailed consideration.

15. Japan had supported various research and development activities through its Support Programme for Agency Safeguards. Such cooperation greatly contributed to improving the effectiveness and efficiency of safeguards implementation.

16. Concerning the implementation of safeguards in the Democratic People's Republic of Korea, Japan felt that it was extremely important that the framework agreed in 1994 between the United States and the Democratic People's Republic of Korea should be implemented, and hoped that that State would fully comply with its IAEA safeguards agreement.

17. Her Government attached great importance to the peaceful uses of nuclear energy. The development and utilization of nuclear energy must go hand in hand with non-proliferation and safety measures. In that connection, Japan believed that any nuclear fuel cycle programme should be carried out under the IAEA safeguards.

18. Nuclear-weapon States and non-nuclear-weapon States should be on an equal footing in the area of peaceful uses of nuclear energy. Her Government welcomed the conclusion of the voluntary safeguards agreement by all nuclear-weapon States and the acceptance of IAEA inspection at some of their nuclear facilities. Serious consideration should be given to the principle that the same level of safeguards should be applied to all facilities for civilian use in nuclear-weapon States as were applied to the facilities in non-nuclear-weapon States.

19. Japan called upon all States which had not yet acceded to the Treaty to do so as soon as possible, particularly those States which engaged in significant nuclear activities. They should also accept full-scope safeguards, and thereby dispel any suspicion regarding their motives for staying outside the Treaty regime.

20. Mr. DR[illegible]OMIRESCU (Romania) said that as long as nuclear weapons existed, the risk of a nuclear war would persist; all possible steps should therefore be explored to move closer to a world free of that threat.

21. Greater importance should be given to the strengthening of IAEA safeguards, in order to provide maximum assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear activities. The current Conference should recommend improved measures to uncover non-declared nuclear installations and material. Those would include, inter alia, improved acquisition and evaluation of information, increasing special inspections of suspect sites, tightening up "significant quantity" thresholds and "timeliness goals", and expanding the ability of the Security Council to expose and even eliminate clandestine nuclear weapons facilities.

22. Romania abided firmly by its Treaty obligations and the IAEA safeguards system. It had joined the reporting scheme for exports and imports of nuclear material, non-nuclear material and specified equipment. He listed a number of other relevant agreements entered into by Romania. His Government also strongly supported Programme 93 + 2 aimed at evaluating the technical, financial and legal aspects of a comprehensive set of measures; that initiative proved the necessary responsiveness of the safeguards system to new challenges and circumstances. Consideration should be given to an expanded model for declaration of nuclear activities and intentions, and to the issue of dual purpose activities.

23. Romania attached high priority to activities aimed at improving cost-effectiveness, but efforts to save resources should not be allowed to jeopardize the effectiveness of the system. In addition, States parties should be called upon to strengthen their political, technical and financial support.

24. An efficient non-proliferation regime required appropriate measures to prevent access to nuclear materials, equipment and technologies, except for peaceful purposes. Any enhanced effort against proliferation should include a strong control regime, aimed at preventing proscribed nuclear activity. States had little to fear from well-conceived export controls and much to fear from a world in which no such controls existed. The Conference should stress the important role played in the supply field by export control regimes, and urge that those regimes be reinforced.

25. Romania held that the creation of nuclear-weapon-free zones could significantly contribute to regional and global security, and constituted an important disarmament measure; it also strongly supported the regional non-proliferation treaties already in force in many areas, as well as proposals to create nuclear-weapon-free zones in regions such as Africa and the Middle East.

26. Mr. DEDEOGLU (Turkey) said that a decisive factor in the implementation of the Treaty was the verification of the fulfilment of Treaty obligations in the form of safeguards envisaged in article III, devised to prevent diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It had become evident that the current safeguards system was not adequate in that regard. The timely detection of the diversion of significant quantities of nuclear material required more than routine inspections aimed at declared material. Access to locations outside declared facilities and more intrusive inspection of declared nuclear facilities should be seriously taken into account. Increased access to relevant information and sites was essential for the realization of a more effective and efficient safeguards system. His delegation strongly supported the approach and recommendations proposed by IAEA to strengthen the effectiveness and improve the efficiency of its safeguards system.

27. Ms. DELPECH (France) said her delegation welcomed the continued increase in the number of States parties since 1990. As previous review conferences had noted, universal accession to the Treaty and strict application of its provisions was the best way to limit the nuclear-weapon proliferation. The Treaty was the legal framework for international verification by IAEA whose safeguards played a key role in preventing nuclear-weapon proliferation and helped to strengthen collective security.

28. The commitments undertaken by States parties and the safeguards that made it possible to verify the implementation of those commitments were vital to cooperation in the area of peaceful uses of nuclear energy. The recent solidarity among exporting countries in adopting measures to control nuclear exports was a positive development of recent years. Greater responsibility would give rise to greater trust among States and lead to increased cooperation.

29. Since the Fourth Review Conference in 1990, the serious events in Iraq and the Democratic People's Republic of Korea had shown that States which had pledged not to acquire nuclear weapons could secretly conduct nuclear activities which were in contradiction with their commitments and had highlighted the need to change the safeguards system. The international system of verification should be able to adapt to circumstances and difficulties as they emerged in order to gain the confidence of the international community that it was fulfilling its role to prevent nuclear-weapon proliferation. Her delegation urged the Committee to support the recent decisions of the Board of Governors to extend IAEA's access to information and to sites and to call for voluntary and immediate communication of information regarding nuclear imports and exports by States. While the safeguards system had been found to be reliable for declared materials, installations and activities, it should be strengthened in order to detect non-declared activities in those States which had concluded general safeguards agreements. The objective of those agreements was to verify the correctness and completeness of the information submitted by the States and the Committee should encourage the Agency's work in that area.

30. Mr. SHA Zukang (China) said that the Treaty had played a positive role in containing nuclear-weapon proliferation, promoting nuclear disarmament and advancing international cooperation in the peaceful uses of nuclear energy. Since the time the Treaty was concluded, however, circumstances had changed and certain limitations and defects in the Treaty had become apparent, including an imbalance in the rights and obligations of different States parties. His delegation believed that continued progress in nuclear disarmament and enhanced cooperation between countries for the peaceful uses of nuclear energy would help to rectify those limitations and defects. The People's Republic of China had strictly complied with its obligations under the Treaty and viewed the prevention of nuclear-weapon proliferation as an intermediate step towards the ultimate objective of complete prohibition and thorough destruction of nuclear weapons. Over the past 25 years, IAEA safeguards had provided an indispensable means to ensure the implementation of the Treaty.

31. His Government adhered to the three principles of nuclear export, namely, that exports should be exclusively for peaceful purposes, should be subject to IAEA safeguards and should not be retransferred to a third country without the consent of the original exporting country. Only those companies that had been especially designated by the Chinese Government were permitted to engage in such exports and export applications were approved on a case-by-case basis by the appropriate government agencies. In support of IAEA safeguards, his Government had announced in November 1991 that it would notify the Agency of its exports to and imports from non-nuclear-weapon States of material exceeding one effective kilogram of nuclear material, and in July 1993, it had further undertaken to voluntarily notify IAEA of all its imports and exports of nuclear materials and exports of nuclear equipment and related non-nuclear materials. In 1985, his Government had announced its decision to voluntarily place certain of its civilian nuclear facilities under IAEA safeguards, and since 1989 it had established a system of accounting and verification of nuclear materials under those safeguards.

32. While his Government believed that the application of safeguards under the Treaty supported the prevention of nuclear-weapon proliferation, it held that

the legitimate rights and requirements for the peaceful uses of nuclear energy of all countries, the developing countries in particular, should be fully respected. In no way should non-proliferation of nuclear weapons be used as a pretext to restrict or impede the peaceful application of nuclear energy by developing countries. In that regard, it was necessary to emphasize the relationship between the strengthening of the safeguards system and the promotion of cooperation and peaceful uses of nuclear energy. While taking note of the positive recent efforts of IAEA to find ways to strengthen the safeguards regime, he underscored the need for appropriate measures to be adopted both within and beyond the legal framework of IAEA, in the form of agreements between IAEA and the appropriate States parties.

33. His Government supported the establishment, on a voluntary basis and through consultation, of nuclear-weapon-free zones and zones free of weapons of mass destruction. Accordingly, his Government had signed the Additional Protocol to the Treaty of Tlatelolco and the Additional Protocols II and III to the Treaty of Rarotonga. Furthermore, it supported the efforts made by Africa and the Middle East countries to establish nuclear-weapon-free zones and zones free of weapons of mass destruction in those regions.

34. Mr. SCHERBA (Ukraine) said that his Government had consistently pursued a policy of non-proliferation of nuclear weapons and had concluded a comprehensive safeguards agreement which had entered into force on 13 January 1995 and would remain in force until a new safeguards agreement was concluded pursuant to article III of the Treaty. Considerable efforts had gone into the conclusion of that agreement, including the establishment of a system of accounting and verification of nuclear materials. Eight facilities, including five nuclear power plants, had been placed under safeguards, a process which had required substantial material, financial and human resources. Moreover, his Government had had no such previous experience and had greatly benefited from the assistance of IAEA and specific donor States such as Sweden, Finland, the United States and Japan who had provided expertise and technical support. In addition to setting up a system of accounting and verification of nuclear materials, his Government had introduced measures to provide effective controls of exports, imports and transfers of nuclear materials and technology.

35. While it supported the efforts of other States to provide effective verification of the delivery of nuclear materials and technology, his Government believed that such verification should in no way hinder legitimate international cooperation in the area of peaceful uses of nuclear energy. His delegation supported proposals to introduce additional measures to strengthen cooperation among States parties to the Treaty in that area. Believing that IAEA safeguards constituted an essential element of the international non-proliferation regime, his delegation urged all States parties to support the Agency's activities which were directed at increasing the effectiveness of those safeguards. In that regard, the implementation of the programme to strengthen IAEA safeguards would help to promote compliance by States parties with their obligations under the Treaty and to strengthen collective security.

36. Mr. MIŠÁK (Slovakia) said that the Slovak Nuclear Regulatory Authority, an independent body of the State administration that did not report to any organization that designed, constructed or operated nuclear facilities, was

responsible for monitoring Slovakia's observance of its international obligations. The Authority was currently involved in the preparation of the Atomic Act, which would define conditions and ways to ensure the peaceful uses of nuclear energy. Owners of nuclear materials were obliged to keep exact records of their amounts, imports, exports, storage sites, consumption and transport, as required by the Nuclear Regulatory Authority and IAEA.

37. IAEA inspectors had free access to all nuclear facilities in Slovak territory. Inspections have been carried out with the active participation of the Slovak Nuclear Regulatory Authority. Every year, the Agency conducted a number of inspections in Slovakia, and there had not yet been a single case in which a violation of the safeguards system had been found.

38. Slovakia fully supported every measure to strengthen the safeguards system in order to ensure the exclusively peaceful uses of nuclear material and prevent violations of obligations, as had occurred in Iraq and the Democratic People's Republic of Korea.

39. An effective safeguards system required prompt access to reliable information and an efficient data-collection system. In that regard, Slovakia was in favour of greater nuclear transparency, environmental monitoring and the expanded right to prompt access to nuclear facilities on short notice or no notice at all. Regional safeguards offices, enhanced communications capability, improved data processing and multiple-entry visas for inspectors could help make the inspection process more efficient. Those measures should be supported by effective and transparent multilateral export controls and measures to prevent illicit trafficking in nuclear material. Slovakia welcomed the Agency's projects to prevent illicit trafficking; as a substantive part of such measures, it would be advisable to exchange information on international efforts and prepare guidelines for national authorities and customs officers on procedures and equipment to be used at border crossings.

40. Slovakia supported all measures to eliminate the accumulation of stockpiles of highly enriched uranium or plutonium and to ensure that such materials were subject to the highest standards of safety, security and international accountability in conformity with IAEA recommendations. With the end of the cold war, there were new opportunities for verification of nuclear material from dismantled weapons. The Agency should be allowed to take for safekeeping all fissionable materials that were no longer being used for the purpose of deterrence.

41. An inseparable part of the non-proliferation of nuclear weapons was export controls. Slovakia participated in the work of the Zangger Committee and the Nuclear Suppliers Group and used the standard, transparent approach to export controls on items that could be used to produce nuclear explosive devices or in unsafeguarded nuclear fuel-cycle activities. Slovakia had incorporated the guidelines of the Zangger Committee and the Nuclear Suppliers Group into its national legislation and it urged all States to adopt and apply such guidelines.

42. His delegation supported the implementation of article III. The future implementation of that article and the improvement of currently used procedures would further decrease the risk of the proliferation of nuclear weapons.

43. Mr. COOK (New Zealand) said that, in recent years, two countries had been found to be in non-compliance with their safeguards undertakings and the international community had had to respond to unprecedented challenges. In that regard, New Zealand supported the continuing verification of IAEA in Iraq and welcomed the Framework Agreement between the United States of America and the Democratic People's Republic of Korea as a basis for a pragmatic solution to a situation that was potentially destabilizing both for the Asia and Pacific region and for the Treaty itself. The Democratic People's Republic of Korea should carry out its stated intention of returning to full compliance with its safeguards agreement, which remained binding and in force.

44. His delegation strongly supported the proposed measures to strengthen the effectiveness and improve the efficiency of the safeguards system, commonly known as "Programme 93 + 2". The safeguards system must not only provide assurances that nuclear materials were not being diverted but also that no undeclared facilities were in operation. Such measures as improved access to safeguards-related sites and information, and environmental monitoring, were essential.

45. Full-scope safeguards as a condition of supply of nuclear material to non-nuclear-weapon States should be the international norm and should send a message to States that had chosen to remain outside the NPT system that they could not expect the same access to technology as States parties to the Treaty. The Conference should acknowledge that export licensing played an important role in fulfilling the commitments under article III, as well as articles I and II, by ensuring that nuclear transfers did not contribute to the proliferation of nuclear weapons. The purpose of export licensing was to facilitate - not to hinder - trade in nuclear material and equipment, and his delegation believed that most States parties had benefited from the climate of confidence that export licensing created.

46. In the past few years, illicit trafficking in nuclear material had become another area of concern. While individual States were primarily responsible for ensuring the effective physical safety of nuclear material under their control, the 1995 Review and Extension Conference should endorse the supporting role of IAEA in such areas as data coordination and the provision of advice on ways of strengthening national systems of accountancy and control. The Conference should also encourage the relevant States not to stockpile plutonium and highly enriched uranium beyond the operational requirements of civil nuclear energy programmes. It was necessary to recognize the importance of the greatest possible transparency in the management of plutonium and highly enriched uranium and to encourage the consideration of long-term arrangements for their management. The Conference should further encourage all nuclear-weapon States to place under IAEA safeguards excess fissionable material and nuclear installations transferred from military to civil use.

47. As a member of the South Pacific Nuclear-Weapon-Free Zone, New Zealand believed that nuclear-weapon-free zones made a significant contribution to international confidence and stability, and hoped that the changing international situation would enable the United States, the United Kingdom and France to accede to the protocols of the Treaty of Rarotonga. New Zealand also welcomed the significant developments taking place in nuclear-weapon-free zones

in Latin America and Africa and was following with interest the proposal to establish such a zone in South-East Asia.

48. Mr. AITMATOV (Kyrgyzstan) said that his delegation welcomed the recent efforts undertaken by IAEA to improve the safeguards system. It was in the interest of all States parties to enhance the effectiveness, efficiency and universality of the safeguards system, which made nuclear cooperation and commerce possible. Full-scope safeguards should serve as a condition of supply to all non-nuclear-weapon States. In that respect, Kyrgyzstan commended the Nuclear Suppliers Group for its strengthened guidelines and encouraged the Group to expand its membership to include additional nuclear suppliers.

49. His delegation regarded the significant movement to establish nuclear-weapon-free zones in Antarctica, Latin America and the South Pacific as a major achievement of the non-proliferation Treaty. Additional nuclear-weapon-free zones should be created in Africa, the Middle East, the Korean Peninsula and Central Asia. His delegation welcomed the opportunity to learn from the experience of other States and to develop its own ideas about that promising approach to non-proliferation.

50. Mr. SUDJADNAN (Indonesia) said that Indonesia had repeatedly called for the application of the IAEA safeguards system to the nuclear facilities of all countries will a view to redressing the asymmetrical nature of the non-proliferation Treaty. Although nuclear-weapon States were not obliged under the Treaty to submit all their nuclear facilities to the safeguards system, their cooperation in that regard would help build confidence and allay concerns and suspicions. His delegation looked forward to working closely with the United States and the other nuclear-weapon States in regional endeavours to establish nuclear-weapon-free zones, especially in South-East Asia.

51. His delegation appreciated the efforts of the United States and the Russian Federation to implement the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles (INF Treaty), the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (START I) and the Treaty between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (START II). However, his delegation remained to be convinced that by the year 2003, when START II had been fully implemented, the two major nuclear-weapon States and other nuclear-weapon States would abide faithfully by the spirit and letter of the Treaty, since those countries had often stated that they would continue to maintain the military doctrine of nuclear deterrence. If their position remained unchanged, the opportunity to achieve a nuclear-weapon-free world would be lost.

52. It was discouraging to know that some nuclear-weapon States continued to develop nuclear weapons in violation of their commitments under the Treaty. Even more worrisome was the fact that two nuclear-weapon States were engaged in activities that were in contravention of article I. The international community should therefore take concrete steps to halt the proliferation of nuclear weapons, thereby ensuring the future of the Treaty to well beyond 1995.

53. As the implementing agency of the Treaty, IAEA should find ways and means of strengthening the safeguards system in order to enable it to deter, to the maximum extent possible, the diversion of peaceful nuclear activities to military purposes in both non-nuclear-weapon and nuclear-weapon States and, at the same time, prevent any cooperation among the nuclear-weapon States that would violate article I. Indonesia had recently begun to use environmental aerosol monitoring equipment designed to detect any diversion of peaceful nuclear activities to military purposes, and the States parties to the Treaty should consider using such a system.

54. Indonesia attached great importance to the establishment of nuclear-weapon-free zones and welcomed the recent agreement on an African nuclear-weapon-free zone, which it hoped would soon be signed and ratified by all countries in that region. His delegation wholeheartedly supported the initiative taken by the Middle Eastern countries to establish a nuclear-weapon-free zone in their region. Indonesia was firmly committed to the establishment of a nuclear-weapon-free zone in South-East Asia and called upon all nuclear-weapon States to facilitate the achievement of that goal.

55. His delegation supported the legitimate right of non-nuclear-weapon States to participate in the fullest possible exchange of equipment, material and scientific and technological information for the peaceful uses of nuclear energy. It was important to strive for the full implementation of article IV, and it was essential to reconsider the concepts of creating barriers in the form of unilateral restrictions that prevented the full implementation of the Treaty and compromised the interests of the non-nuclear-weapon States parties.

56. The existing export control regime should be replaced by multilaterally negotiated and legally binding commitments that were universal and more acceptable to the developing countries. Only after all States parties committed themselves fully to achieving those long-sought objectives would it be possible to extend the Treaty well beyond 1995.

The meeting rose at 6.15 p.m.

1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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MAIN COMMITTEE II

SUMMARY RECORD OF THE 3rd MEETING

Held at United Nations Headquarters, New York,
on Monday, 24 April 1995, at 3 p.m.

Chairman: Mr. ERDŐS (Hungary)

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GENERAL DEBATE (continued)

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The meeting was called to order at 3.30 p.m.

GENERAL DEBATE (continued)

1. Mr. POSTA (Hungary) said that it was his delegation's expectation that the Committee would not only make an assessment of the implementation of the relevant provisions of the Treaty but would also be successful in formulating guidelines for the future, since application of the Treaty and nuclear cooperation would continue after the close of the Conference. The importance of IAEA safeguards as a fundamental element of the non-proliferation regime should also be strongly reaffirmed in the final document to be drafted by the Committee following its review of article III of the Treaty. The President of the Security Council had already emphasized the political importance of safeguards in his statement on 31 January 1992.

2. Since the previous Review Conference, two States parties to the Treaty had been found in non-compliance. The IAEA secretariat and the Member States had therefore taken steps to strengthen the safeguards system, notably in the context of Programme 93 + 2 recently approved by the IAEA Board of Governors. Hungary believed that IAEA should have greater access to relevant information and nuclear facilities, since the more the States parties cooperated with IAEA the more assurances the international community would have that nuclear material would not be diverted from peaceful purposes.

3. Moreover, the operation of a credible safeguards system required appropriate working conditions for inspectors and the assurance of regular financing. On the former point, Hungary had decided unilaterally to lift restrictions on the designation of IAEA inspectors and to issue them with multiple-entry visas. On the latter, it was well known that available resources could not keep pace with the growing number of nuclear facilities. Since it had become imperative to find a lasting solution to the problem of financing, his delegation hoped that the Committee's final document would urge the States parties to find such a solution.

4. Effectively functioning IAEA safeguards, while fundamental, were not the only element of the non-proliferation regime. Together with other States parties to the Treaty, Hungary attached high priority to full-scope safeguards as a precondition for any new supply of nuclear material or technology. It had therefore adopted and put in place a national export and import licensing mechanism based on the common export-control policy of the Nuclear Suppliers Group. It was convinced that such a policy served the interests of non-proliferation and it called on suppliers that had not yet done so to adopt and apply a similar policy.

5. Lastly, Hungary would like to see the content of the Committee's final document serve in the coming years as a solid basis for prosperous cooperation in the peaceful uses of nuclear energy, while ensuring full implementation of the Treaty's non-proliferation objectives.

6. Mr. NKURLU (United Republic of Tanzania), recalling the importance of the Treaty provisions that Main Committee II was responsible for reviewing, said that article III, on safeguards, remained contentious since it required only non-nuclear-weapon countries to accept IAEA safeguards. Not only was that provision discriminatory but it had enabled the nuclear-weapon States parties to the Treaty to accumulate stockpiles of fissile material which had recently been the target of thieves and smugglers. It was high time that a comprehensive safeguards system was established that was universally applicable and based on the principles of transparency and accountability. Such a system should not, however, contradict the provisions of article IV, which enunciated the inalienable right of all the Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination. In that vein, exclusive nuclear clubs which imposed unilateral export mechanisms with regard to dual-use technology should be discouraged. While his delegation agreed that IAEA safeguards should be strengthened, it felt that Programme 93 + 2 initiated by IAEA should also apply to nuclear-weapon States parties, since they had helped to arm the undeclared nuclear-weapon States.

7. Turning to articles I and II, while the majority of non-nuclear-weapon States had adhered to the undertaking not to receive the transfer of nuclear devices nor to manufacture them, almost all undeclared nuclear-weapon States, including the one that had given up its nuclear arsenal, had at one time or another been closely linked technologically with one of the threshold States.

8. Turning to article VII of the Treaty, his delegation was a strong proponent of the creation of nuclear-weapon-free zones and welcomed the conclusion of various treaties to that end. It particularly welcomed the draft treaty on the establishment of a nuclear-weapon-free zone in Africa and hoped that once the treaty came into force, the major nuclear Powers would accede to its protocols and help ensure the integrity and security of the African continent. The positive developments taking place in the Middle East should also enable that region to envisage the creation of such a zone.

9. Mr. PATOKALLIO (Finland) described the activities undertaken by the Nuclear Suppliers Group (NSG) to contribute to the non-proliferation of nuclear weapons in accordance with articles I, II and III of the Treaty and to ensure that transfers of nuclear material and technology promoted the peaceful uses of nuclear energy in accordance with article IV. In the 1970s, multilateral consultations had led to the establishment of two mechanisms for dealing with exports of nuclear material, equipment and technology: the Zangger Committee and what had come to be known as the Nuclear Suppliers Group. In 1974, the Zangger Committee had drawn up a list of items falling under paragraph 2 of article III of the Treaty and had established a number of preconditions for the supply of such items. The Nuclear Suppliers Group (NSG), created following India's explosion of a nuclear device in May 1974, had brought together all the major suppliers of nuclear technology, including those which at the time had not yet been parties to the Treaty. NSG members had agreed on a set of guidelines (IAEA document INFCIRC/254) which were implemented by each member in accordance with its national laws and practices.

10. During the 1990 Review Conference, Main Committee II had made several recommendations of relevance to NSG activities in the 1990s. Among other

things, it had recommended that States parties to the Non-Proliferation Treaty should consider further improvements in measures to prevent the diversion of nuclear technology to military purposes; that they should engage in consultations to ensure appropriate coordination of their activities to control exports of items not specifically identified in the Treaty; and that nuclear supplier States should require acceptance of IAEA full-scope safeguards for exports to non-nuclear-weapon States.

11. Shortly thereafter, it had become apparent that the export control provisions then in force had not prevented Iraq, a party to the Treaty, from pursuing a clandestine nuclear weapons programme. Following those developments, NSG members had decided in 1992 to establish guidelines for transfers of dual-use equipment, material and technology and to make a full-scope safeguards agreement with IAEA a precondition for future nuclear supplies to all non-nuclear-weapon States.

12. The record showed clearly that NSG undertakings had not impeded legitimate nuclear trade or cooperation and that NSG members were committed to transparency, as illustrated by the publication of the NSG guidelines by IAEA. NSG members shared with all parties to the Treaty the objectives of non-proliferation and peaceful nuclear cooperation, and the Group remained an essential component of the international non-proliferation regime of which the Treaty was the cornerstone.

13. Ms. ALANI (Sweden) said that IAEA safeguards were of critical importance for the implementation of the Non-Proliferation Treaty and for enhancing international security. Her delegation therefore urged all States parties that had not yet done so to sign a safeguards agreement with IAEA.

14. Sweden welcomed recent unilateral offers by some nuclear-weapon States to place under IAEA safeguards fissile material that was not required for defence purposes; it urged all nuclear-weapon States to follow suit.

15. Believing that every effort should be made to reduce the production, transfer and use of weapons-usable material, Sweden regarded the direct disposal of spent nuclear fuel as preferable to reprocessing. Given concerns at the growing amounts of plutonium available from the reprocessing of nuclear reactor fuel, it requested all States not to stockpile plutonium in excess of normal requirements for civilian nuclear programmes and called for the adoption of long-term arrangements for the secure handling of plutonium and highly enriched uranium. Lastly, Sweden noted with concern the increasing number of reports of illicit traffic in radioactive substances and nuclear material and urged all countries to take the necessary precautions to stop such trafficking and to strengthen the protection and control of such materials.

16. The disclosure of clandestine activities in Iraq had demonstrated the need to strengthen the IAEA comprehensive safeguards, in particular the methods for revealing undeclared nuclear activities and facilities. In that connection, Sweden endorsed the new measures proposed in Programme 93 + 2 and thanked the Director-General of IAEA and his staff for their efforts to make the safeguards system more effective.

17. With regard to the financing of IAEA activities, Sweden urged all States to provide the Agency with sufficient contributions and to agree on a lasting and equitable solution to the financing of the safeguards system.

18. Referring to the fact that the Treaty promoted the exchange of material, services and scientific and technological know-how relating to the peaceful uses of nuclear energy, he said that Sweden believed that preferential treatment should be given to non-nuclear-weapon States which had signed full-scope safeguards agreements with IAEA. As a supplier country, Sweden adhered to the guidelines governing nuclear exports published in IAEA documents INFCIRC/209 and 254. Moreover, it believed that the texts adopted at the 1990 Review Conference should be the basis for the discussions during the current Conference. Sweden had also prepared draft texts in conjunction with other non-nuclear-weapon States.

19. With regard to article VII of the Treaty, Sweden welcomed the conclusion of the Treaty of Tlatelolco in Latin America. Moreover, the accession of South Africa to the Treaty as a non-nuclear-weapon State had made a significant contribution towards the establishment of a nuclear-weapon-free zone in Africa. Lastly, Sweden would welcome the establishment of such zones in South-East Asia and in the Middle East.

20. Mr. de ICAZA (Mexico) said that, while he recognized the importance of the safeguards system, it had some shortcomings: too many countries had remained outside the system; and only declared nuclear activities were covered. For that reason Mexico strongly supported Programme 93 + 2 of IAEA and reaffirmed that safeguards agreements applied to all nuclear material and to all activities carried out in the territory of States parties or anywhere under their jurisdiction or control.

21. The Agency should have the means to verify that the declarations made by States were accurate, that there had been no diversion of nuclear materials and that there was no undeclared nuclear activity. The measures proposed in Programme 93 + 2 to strengthen the safeguards system should be endorsed in new legal instruments, prepared with the participation of all States, which would thus have a universal binding and non-discriminatory character.

22. The administration of safeguards absorbed a growing share of the IAEA budget (10 per cent in 1970, 34 per cent currently, excluding extrabudgetary contributions). If the implementation of Programme 93 + 2 was not to take place at the expense of technical cooperation, a financing formula would have to be found which would take account of the degree of nuclear development of the various countries, the amount of inspection work involved for the Agency and the special situation of the developing countries.

23. The Mexican Government believed that the strengthening of the safeguards system through agreements specifying the powers of IAEA and the obligations of States was an essential prerequisite for the extension of the Treaty. Decisions should also be taken on a comprehensive nuclear-test ban, the initiation of negotiations to prohibit the production of fissile material for weapons purposes, the reduction of nuclear arsenals, and the establishment of a

mandatory system of safeguards for non-nuclear-weapon States and a strengthened mechanism for the review and revision of the Treaty.

24. The task of Main Committee II was to review article VII, whereby any group of States had the right to conclude a regional treaty in order to assure the total absence of nuclear weapons in its territory; the establishment of nuclear-weapon-free zones marked an important stage towards the complete elimination of such weapons. The first instrument totally prohibiting nuclear weapons in an inhabited region was the Treaty of Tlatelolco, which had been expanded since the previous Conference with the accession of several countries. Since the ratification of Additional Protocol I by France, all countries with responsibilities in the area covered by the Treaty had now acceded to it.

25. His delegation believed that the Conference should reaffirm the importance of establishing nuclear-weapon-free zones; take note of the expansion of the Treaty of Tlatelolco; urge the nuclear Powers to ratify without reservations Protocols II and III to the Treaty of Rarotonga; welcome the imminent adoption of the treaty making Africa a nuclear-weapon-free zone; and express the hope that the negotiations for the establishment of a nuclear-weapon-free zone in the Middle East would soon commence.

26. Mr. SUKAYRI (Jordan) said that article III of the Treaty, which was under review by the Committee, was all the more important in that IAEA safeguards were the only mechanism available to the parties to ensure compliance with the provisions of the non-proliferation Treaty. The safeguards system should be reviewed regularly if it was to be strengthened. That might not, however, be sufficient to prevent the diversion of nuclear materials for military purposes as long as the objective of universal adherence to the Treaty had not been achieved. His delegation therefore called upon all States which had not yet done so to accede to the Treaty and to conclude full-scope safeguards agreements with IAEA opening up all their nuclear facilities to international inspection.

27. In a region like the Middle East, volatile as it was, peace and security could not really prevail unless all the regional Powers, in particular those with nuclear capabilities, acceded to the Treaty. All parties to the peace process must therefore take care to prevent any loopholes in that process if they wished to achieve comprehensive peace. In that connection, nuclear activities which were not placed under the safeguards system presented a serious danger of proliferation and of a nuclear arms race in the region and were thus a threat to international peace and security.

28. On the question of the establishment of nuclear-weapon-free zones, particularly in the Middle East and South-East Asia, where they were badly needed, his delegation welcomed the conclusion of the Treaties of Tlatelolco and Rarotonga, and the imminent opening for signature of a treaty establishing a nuclear-weapon-free zone in Africa. It noted, however, that the situation in the Middle East was by no means as promising. After two decades of consideration of the question by the General Assembly, little progress had been achieved. The Arms Control and Regional Security Group, working within the framework of the Madrid peace process, had hardly been more successful. Indeed, as stated in a United Nations document entitled "Study on effective and verifiable measures which would facilitate the establishment of a nuclear-

weapon-free zone in the Middle East" (A/45/435 of 10 October 1990): "Adherence to the NPT by all States of the region - and notably by Israel - would be a most significant milestone. Pending such a measure, the acceptance by Israel of safeguards on the Dimona facilities would be an important move towards the establishment of a zone and could be realized well in advance of its adherence to the NPT."

29. The Committee should pay special attention to ways and means of facilitating universal adherence to the Treaty and the conclusion by all States Members of the United Nations of full-scope safeguards agreements with IAEA; the strengthening of IAEA safeguards through adequate financing; and the establishment of denuclearized zones, particularly in volatile regions such as the Middle East.

30. Mr. CHUN (Republic of Korea) commended the safeguards system, which had promoted international cooperation in the development of the peaceful uses of nuclear energy. Full-scope guarantees had been particularly effective in verifying declared nuclear materials and facilities and compliance with non-proliferation commitments.

31. The cases of Iraq and the Democratic People's Republic of Korea, however, showed that the system was not sufficient and, in particular, that it did not resolve the problem of undeclared nuclear facilities. Despite the action taken by the Security Council, it had taken four years for IAEA to obtain full details of Iraq's undeclared activities.

32. As for the Democratic People's Republic of Korea, IAEA had had to ask for the support of the Security Council simply to carry out its statutory task of verification and, despite all the pressure, both multilateral (IAEA and the Security Council) and bilateral (on the part of the Republic of Korea and the United States), Pyongyang had yet to comply with its obligations.

33. Compliance with safeguards was a service both to the States concerned themselves, which thereby demonstrated their good will, and to their neighbours, whose confidence was strengthened. In order to discourage any violation of safeguards agreements, it was important to ensure that violators were punished and that States which honoured their obligations enjoyed preferential treatment.

34. The two cases of non-compliance revealed loopholes and inherent limitations in the ability of the existing safeguards system to meet the requirements of assurance, especially with regard to the absence of undeclared nuclear material and installations. The steps taken by IAEA to bolster the safeguards system - early provision of design information, more extensive reporting of nuclear-related imports and exports, and reaffirmation of the Agency's right to undertake special inspections - were inadequate to ensure non-proliferation. The Republic of Korea therefore welcomed Programme 93 + 2, endorsed by the IAEA Board of Governors, which would give the Agency greater powers and strengthen the safeguards system, especially with regard to the non-diversion of nuclear material and the absence of undeclared activities. A strengthened safeguards system would benefit from technological developments and called for greater access to relevant sites and information.

35. The Republic of Korea, which had welcomed environmental monitoring tests and which issued one-year multiple-entry visas to inspectors, hoped that that approach would establish itself as a minimum universal standard, leading to acceptance of an "anytime, anyplace" concept of inspections as advocated in the Programme. Recognizing the importance of State systems of accounting and control to the implementation of IAEA safeguards, the Republic of Korea had established, in April 1994, a technology centre for nuclear control, as a first step towards the introduction of a domestic safeguards system in 1996. The highest priority should be given to the strengthening of the State systems of accounting and control, so as to combat illicit trafficking in nuclear material, which constituted a serious proliferation risk. Moreover, all States should accede to the Convention on the Physical Protection of Nuclear Material.

36. While recognizing the importance of export controls and the need for full-scope safeguards as a condition of supply to non-nuclear-weapon States, as recommended by the 1990 Review Conference, the Republic of Korea took the view that the export requirements laid down by the Zangger Committee and the Nuclear Suppliers Group for items on their "trigger list" and many dual-use items should not hamper the acquisition of such items by States parties for peaceful purposes.

37. The Republic of Korea upheld the principle of universality of safeguards obligations. It called upon all States parties which had not yet signed a full-scope safeguards agreement to do so without delay. It also stressed the need to provide IAEA with sufficient resources to implement Programme 93 + 2 and carry out all the verification activities that would be required with the strengthening of the safeguards system.

38. Mr. CISAR (Czech Republic) said that although the Czech Republic had succeeded to the Treaty early in 1993, it had not joined IAEA until September 1993. It was anxious, however, to have the safeguards agreements concluded by the former Czechoslovakia with IAEA remain in force provisionally, and hoped to conclude a new agreement in 1995. Recognizing the need for export controls, it applied to its own exports the guidelines of the Zangger Committee and the Nuclear Suppliers Group, which it believed were an essential element in the non-proliferation regime. Since 1978, the former Czechoslovakia had been applying full-scope safeguards. The Czech Republic, as a producer of many nuclear components, strongly supported that principle. In line with its belief that the Treaty should be universal, it took the view that all the nuclear Powers should submit their supplies of nuclear material to full-scope safeguards, and should do their utmost to prevent nuclear material intended for civilian purposes from being diverted to military purposes.

39. The violations committed by two countries underscored the need to strengthen the safeguards system. Full-scope safeguards should give the assurance that material intended for declared activities was not diverted to other purposes, and that there were no undeclared activities. To that end, the Czech Republic hoped that Programme 93 + 2 would be fully supported.

40. In the Czech Republic, the functions of the State system of accounting and control (SSAC) were performed by the National Nuclear Safety Authority, which monitored 12 facilities and over 200 nuclear depositories. The Authority

cooperated fully with IAEA inspection teams. In 1991, it had offered its material and human resources for the training of SSAC inspectors and agents. Several field tests and one training course had been conducted in the Czech Republic.

41. Experience with regard to trafficking in nuclear material highlighted the need for every State to safeguard material that might be used for military purposes. There must be cooperation among States in order to put an end to illicit trafficking.

42. The Czech Republic was pleased with the way in which article III of the Treaty was being applied. It hoped that the Committee would take its decisions by consensus.

43. Mr. NORDIN (Malaysia) said that it was essential to strengthen the Treaty, which must be a universal, non-discriminatory instrument. Malaysia urged States that were not parties to the Treaty to accede to it, and urged States parties to negotiate and sign safeguards agreements. Malaysia itself had signed such an agreement, which facilitated the work of the inspectors in its territory. Only through such cooperation with IAEA could the international community collectively avoid the danger of nuclear proliferation. Recent events showed, however, that the safeguards system still needed to be strengthened.

44. At the same time, there was a need to study and resolve the legal and financial implications of new measures before any of them were implemented. It was of paramount importance to ensure that the new measures did not hinder the smooth flow of materials, equipment or information to non-nuclear-weapon States parties to the NPT. Most importantly, those new measures should be non-discriminatory, and language to that effect should be included in the final report of the Committee. Selective or discriminatory application would create uneasy feelings among States parties, and might worsen the climate of mistrust and undermine the integrity of the Treaty itself. All parties that had signed safeguards agreements with IAEA should be accorded the right to participate in the development and adoption of the "trigger list", within the framework of the General Conference of IAEA. It would thus have the required legitimacy as an international agreement.

45. The measures required for monitoring and verification, both existing measures and measures still under consideration, needed the political, technical and financial support of States parties. The cost of administering the safeguards system, which had grown from $12 million in 1970 to $72 million in 1995, was increasing at a much faster rate than the overall IAEA budget. The increase in the IAEA budget had been largely due to the growing number of nuclear power stations and research reactors. The cost of the monitoring and verification required under article III of the Treaty should be borne by the countries benefiting from nuclear energy and not by those that had not opted for nuclear energy.

46. Although future cost increases might also come as a result of the need to monitor nuclear materials not required for national defence and transfers of materials, and the need to implement the comprehensive nuclear-test-ban treaty and the cut-off convention banning production of fissile materials, a major

portion of IAEA responsibilities related to safeguards. His delegation hoped that a proper balance between those responsibilities could be struck in the Committee's report.

47. It had been suggested that inspectors should be stationed at frontiers to check the flow of trafficking in nuclear materials. His delegation was of the view that the question of illicit trafficking was not a question of safeguards. It was the responsibility of the respective countries to ensure and finance such monitoring. As a multilateral organization, IAEA should only be engaged in providing training or expert advice to strengthen State systems of accounting, so as to prevent pilfering of and illicit trafficking in nuclear materials. Nations that had the ability to stockpile large amounts of nuclear material should be in a position to prevent such things from happening. If they could not, they should place such material under international supervision or have it destroyed.

48. Mr. POTUYT (Netherlands) emphasized the importance of the review process. Even after the extension of the NPT, the review should continue. Transparency would create the necessary climate of confidence that would allow the further development of peaceful nuclear programmes of the States parties. The Netherlands appreciated the monitoring and control work of IAEA.

49. Referring to the examples of Iraq and the Democratic People's Republic of Korea, he stressed the need to strengthen the IAEA safeguards system, as envisaged in Programme 93 + 2. The safeguards should be universal, and all nuclear facilities, in nuclear-weapon States and non-nuclear-weapon States alike, should be subject to no-notice inspections.

50. As agreed during the fourth Review Conference, suppliers should subject all nuclear exports to full-scope IAEA safeguards. Export licensing for nuclear exports was practised by his Government.

51. Arms control agreements and export licensing regimes were complementary elements of international security policy. Those regimes were intended to prevent proliferation without limiting the transfer of nuclear technology for peaceful purposes. All States should have access to such technology in so far as that was one of the possible options for their economic development. The guidelines developed by the Zangger Committee and the Nuclear Suppliers Group were necessary in order to arrive at some degree of coordination of nuclear export regulations. They were not intended to limit exports.

52. In conclusion, he referred to the establishment of nuclear-weapon-free zones and called on the Conference to support the establishment of such zones in Africa and the Middle East, where the renunciation of weapons of mass destruction would facilitate the peace process.

53. Mr. AYATOLLAHI (Islamic Republic of Iran) said that from the early days of the Non-Proliferation Treaty's operation, developing countries had highlighted the necessity of full implementation of article IV. However, some States that were not party to the Treaty were obtaining nuclear weapons despite the existence of the Zangger Committee and the Nuclear Suppliers Group. That problem could not be resolved through vertical or horizontal limitations. In

order to ensure full compliance with the Treaty, it was necessary to look into ways to remove existing export control regimes and to create, where necessary, transparent international mechanisms with the participation of all States parties to the Treaty.

54. For example, it would be possible to establish a committee, in the context of the Treaty, which would formulate measures to ensure full access of all non-nuclear-weapon States parties to the Treaty, without discrimination, to nuclear equipment and technology for peaceful purposes and, at the same time find ways of strengthening the existing system of safeguards by formulating a set of guidelines which would replace existing unilateral arrangements. The committee would be open to all States parties to the Treaty and would meet regularly. The committee would be without prejudice to further enrichment of the discussions on strengthening the IAEA safeguards going on in Vienna.

55. In addition, the measures proposed in the "Programme 93 + 2" would help enhance confidence if they were properly integrated in or annexed to the agreements to be concluded between the Agency and States in the context of the Treaty (INFCIRC/153), if they could be applied to provide concrete results and if the conclusions of the strengthened safeguards system were used to enhance international cooperation in the field of peaceful applications of nuclear energy as stipulated in article IV.

56. Furthermore, the role of IAEA in general should be enhanced and it should be recognized once again that the Agency was the sole body responsible for verifying that States parties were complying with the Treaty. The Agency for its part must focus more on programmes which would help the developing countries secure financing for nuclear power projects to meet their energy needs. A financial assistance fund should be established for those countries, as had been proposed at previous Review Conferences.

57. Iran attached great importance to the establishment of nuclear-weapon-free zones in different regions of the world, particularly in the Middle East, and it had submitted a draft resolution on the subject to the General Assembly as far back as 1974. Unfortunately, that objective had not been realized because of Israel's stubborn refusal to accede to the Treaty; he hoped that the current Conference would be able to take the first practical steps towards the creation of such a zone.

58. Mr. SCHMIDT (Austria) pointed out that from the time it acceded to the Treaty, Austria had believed in the vital need for universality of the full-scope safeguards, deeming that they should be applied to all non-nuclear-weapon States irrespective of whether or not they were party to the Treaty, and it hoped that that principle would be an important element in the report of Main Committee II.

59. Following the discoveries made in 1991 concerning Iraq, IAEA had undertaken to develop additional concepts or notions within the context of "Programme 93 + 2", which constituted a step in the right direction. His delegation also welcomed the efforts made by the Agency to create an integrated safeguards system.

60. Several non-aligned States had spoken out in favour of the multilateralization of export controls. Austria was in favour of that principle, which was inherent in the Treaty, since control of exports would be entrusted to a multilateral organization, IAEA. The decision concerning which equipment or material was "especially designed or prepared for the processing, use or production of special fissionable material" was left to each State. The Treaty provided for multilateralization through safeguards agreements concluded with the Agency covering control of exports upon arrival in the receiving country. It stipulated, in effect, that the IAEA safeguards should be full-scope safeguards. They must therefore apply to all nuclear material, in all activities undertaken in non-nuclear-weapon States whether or not they were party to the Treaty.

61. The Treaty had therefore given the Agency important responsibilities, for the latter must also be able to detect clandestine activities. Multilateralization could be ensured by developing the integrated safeguards system launched by IAEA in its "Programme 93 + 2" and by closer cooperation of all States parties regarding the "trigger list" outlined in document INFCIRC/209. Acceptance of that document could facilitate a dialogue among States parties to the Treaty and States members of the Zangger Committee. A clearer understanding of the obligations contracted under article III would facilitate achievement of the Treaty objectives, particularly with regard to article IV.

62. Mr. TAYIB (Saudi Arabia) said that the Non-Proliferation Treaty was a cornerstone of the international nuclear non-proliferation regime and a legal instrument designed to safeguard international peace and security. Saudi Arabia attached particular importance to strengthening and to universal and effective implementation of the Treaty without exception.

63. The IAEA safeguards system had helped stem proliferation of declared nuclear material, but it left serious gaps for it had failed to prevent certain States parties, namely Iraq and North Korea, from producing nuclear material for military purposes. Those gaps in the safeguards system called into question the Treaty's credibility and its capacity to ensure international peace and security. The Conference should take the necessary steps to strengthen application of the safeguards system in accordance with the recommendations of the Security Council Summit held in 1992, which had underscored the essential role of the safeguards system in the effective application of the Treaty and the importance of export verification measures. However, the safeguards must in no way prevent States parties which were non-nuclear-weapon States from exercising their legitimate rights which were guaranteed by the Treaty, to conduct research and to produce nuclear energy for peaceful purposes.

64. The creation of nuclear-weapon-free zones was encouraged by the General Assembly which saw that as a general disarmament measure. The countries of Latin America and the Caribbean had signed the Treaty of Tlatelolco in 1967, and the States of the South Pacific had signed the Treaty of Rarotonga in 1985. In addition, South Africa had now acceded to the Treaty and submitted its installations to the IAEA safeguards system, thereby contributing to the success of efforts to conclude a treaty on nuclear non-proliferation in Africa; that treaty should soon be signed.

65. The idea of creating a nuclear-weapon-free zone in the Middle East had first been put forward in 1974, and since then the General Assembly had adopted a resolution on the subject every year. More than 20 years had elapsed and the States of the region had yet to achieve that objective, because Israel persistently refused to accede to the Treaty and to submit all its nuclear installations to the IAEA safeguards system. Saudi Arabia, for its part, had supported all international initiatives designed to prohibit the proliferation of weapons of mass destruction and it hoped that the international community would enhance efforts to turn the Middle East into a zone free from all weapons of mass destruction and would ask Israel to accede to the Treaty and to submit all its nuclear installations to the IAEA system like all the other States in the region. The fact that the Israeli nuclear programme remained outside the framework of international control constituted a threat to regional and international peace and security and jeopardized the Treaty's credibility. The Conference should subscribe to the objective of turning the Middle East into a zone free from weapons of mass destruction, in accordance with article VII of the Treaty and with the communiqué issued by the Security Council Summit in 1992.

66. The Treaty's success depended on observance of its provisions by the States parties, those that had nuclear weapons and those that did not. The Conference should ask the Security Council in the context of its responsibilities for the preservation of international peace and security, to ensure the universality of all provisions relating to the non-proliferation of nuclear weapons without any distinction, bearing in mind the provisions of Chapter VII of the Charter of the United Nations.

67. Mr. ALHIJAJ (Iraq) pointed out that, in referring to Iraq's position on the question of the implementation of the IAEA safeguards regime, some representatives had distorted the facts. If the Conference wished to draw lessons from Iraq in the area of safeguards without trying to tarnish Iraq's reputation, it must go back to the source of the problem.

68. Those who accused Iraq were forgetting that Iraq's nuclear installations, which were subject to safeguards, had been attacked in 1981 by the army of Israel, a country which was not a party to the Treaty and which had not subjected its installations to those safeguards. That attack had been an attack on the Treaty and the safeguards system, as the Agency and the Security Council had pointed out, but the parties to the Treaty had not reacted.

69. Iraq's purpose in building the Osirak reactor had been to make the complex an international centre open to inspection, but the Israeli attack on the complex had put an end to its plans. By continuing to threaten to destroy Iraqi nuclear installations, Israel was preventing Iraq from exercising its rights under article IV of the Treaty, and Iraq was therefore keeping its research and study programmes secret. Iraq had noted that neither the IAEA nor the Security Council had protected the nuclear installations at the time of the Israeli attack, and that the Security Council had merely adopted resolution 487 (1981), without taking any action when Israel failed to implement it. Raising the question of Iraq alone, without inquiring into the background, did not promote the cause of the Treaty. There were notorious cases of non-observance of the Treaty concerning, for example, the transfer of nuclear materials without prior

notification of the Agency, as in the case of South Africa under the apartheid regime. Iraq could not be taken to symbolize the deficiencies of the Treaty and the safeguards system.

70. If real lessons were to be learned, attention should focus on article IV, which would remain a hypothetical provision as long as there were States, whether parties or not to the Treaty, which threatened to use force to destroy nuclear installations subject to the safeguards system.

71. With regard to article VII of the Treaty, the question of setting up a nuclear-weapon-free zone in the Middle East was of vital importance to the States of the region, which had been asking for the creation of such a zone since 1974. The main obstacle was the existence in the region of a State, with a vast nuclear arsenal, which refused to accede to the Treaty. If Africa was now on the way to achieving the objective of creating such a zone, it was because South Africa had voluntarily renounced its nuclear weapons and decided to submit its installations to the safeguards system. Unless Israel did the same, the Middle East would remain the scene of military escalation and tensions.

72. In referring to Iraq and United Nations resolutions, some speakers seemed to forget that paragraph 14 of Security Council resolution 687 (1991) provided for the establishment in the Middle East of a zone free from weapons of mass destruction. It so happened that that was the only paragraph in the resolution which had not been implemented. While the IAEA had discharged the task assigned to it under resolution 687 (1991) in the matter of monitoring, Iraq wondered if, as the sponsors of the resolution contended, stability had been achieved and an end put to the arms race in the region. By not applying paragraph 14 of the resolution they failed to take account of the imbalance regarding weapons in the region with all the attendant consequences in terms of tension, instability, the arms race and threats to security. The establishment in the Middle East of a zone free from weapons of mass destruction, in accordance with the provisions of article VII of the Treaty and the provisions of paragraph 14 of Security Council resolution 687 (1991), adopted under Chapter VII of the Charter, would provide a political guarantee for regional peace and security and be a decisive step towards achieving the universality of the Treaty.

73. Mr. FRIEDRICH (Switzerland) said that the credibility of the non-proliferation system set up by the Treaty was based on the IAEA safeguards system, which Switzerland wholeheartedly supported. In that connection, it was a matter of continuing concern that the Democratic People's Republic of Korea was refusing to comply fully with its obligations under its IAEA safeguards agreement. It was in its own interest for the IAEA to be able to complete its international inspections without delay, so that the international community could be shown the entirely peaceful nature of the North Korean nuclear programme.

74. Iran's attempt to develop nuclear weapons secretly constituted the most serious case of non-observance of the Treaty in the past five years. Switzerland supported the measures taken by the IAEA, after the Iraq episode, to improve the capacity to detect undeclared nuclear installations, and it congratulated the Agency on the excellent evaluation work it had accomplished

under the Programme 93 + 2, which was designed to improve the effectiveness of safeguards.

75. The Swiss Federal Council had decided in 1991 to require full-scope safeguards, in the future, in the case of new exports of nuclear material or equipment to non-nuclear-weapon States, and Switzerland strongly encouraged all States that had not yet done so to practice such a policy as well.

76. The recent cases of illicit trafficking in nuclear materials must be taken seriously because of the potential danger they posed to public health and because of their possible implications for nuclear non-proliferation. All States should take suitable measures to make such trafficking impossible. International safeguards should be applied to peaceful nuclear activities, even if they took place in the territory of a nuclear-weapon State. It was encouraging to note that France and the United Kingdom had already taken such action. All the nuclear-weapon States should also be encouraged to place fissile materials deriving from nuclear disarmament under international control, and it should be noted that the United States had taken an important step in that direction.

77. The only purpose of export controls was to ensure respect for the non-proliferation obligations undertaken under articles I, II and III of the Treaty, so that international exchanges for peaceful purposes could take place, as provided in article IV. Those controls were therefore required by the Treaty, and for that reason Switzerland was participating in the work of the Zangger Committee and the Nuclear Suppliers Group.

78. Switzerland welcomed all the efforts being made to conclude regional treaties to ensure the total absence of nuclear weapons in certain regions. The prospect of the forthcoming establishment of a denuclearized zone in Africa and of the imminent entry into force of the Treaty of Tlatelolco was very encouraging, and all the States that had contributed to that achievement were to be congratulated. It was to be hoped that other continents, including Europe, would also become denuclearized zones one day.

79. Mr. ABOU HADID (Syrian Arab Republic) said that the Syrian Arab Republic, which had been one of the first countries to sign the Treaty, had never sought to acquire nuclear weapons and, on the contrary, was endeavouring to eliminate the terrible nuclear threat in the Middle East region. It had therefore called for the establishment in the Middle East, under the auspices of the United Nations, of a zone free from weapons of mass destruction, but it wondered if that would be possible when, in the heart of that region, there was a nuclear arsenal not subject to safeguards. The perpetuation of the status quo, which obliged all States in the Middle East except Israel to respect the Treaty, was a grave mistake that threatened peace and stability in the region and was therefore unacceptable.

80. The safeguards system currently applied by the IAEA was performing well. The existing violation was not due to any deficiency or inadequacy in the safeguards system, for the parties responsible were certain nuclear-weapon States which had not applied article I of the Treaty.

81. The safeguards system, according to the IAEA statute, must be applied by all States, and that was particularly true in the region of the Middle East, where the States were parties to the Treaty and had concluded safeguards agreements, with the exception of only one State, Israel, which still refused to accede to the Treaty, although it certainly had nuclear weapons. The behaviour of Israel was a threat to peace, security and stability in the region and made proliferation possible.

82. The application of safeguards must not in any way hinder economic and technological development or international cooperation in the field of nuclear activities for peaceful purposes. Any obstacle to trade between States prevented the developing countries from making progress. Restrictions should be limited to technologies that were directly connected with the production of nuclear weapons, and they should not affect dual-use materials and equipment because it was not easy for any State to convert them to military uses. The acquisition of equipment and the conduct of research for peaceful purposes and the use of research reactors and nuclear power plants should not be considered a threat to the States of the Middle East and should therefore be allowed. The double standard applied in the region was unacceptable. How could Israel be allowed to acquire nuclear technology, that it could even export, while the other States of the region could not obtain the basic equipment needed for purposes of scientific, medical and agricultural research? That was a violation of the right of the developing countries set forth in the Treaty.

83. Mr. ADEKEYE (Nigeria) said that it was essential, both for the sake of confidence among States parties and for the effectiveness of the Treaty, for all States parties to comply with their Treaty obligations. Recent events had brought to the fore the inadequacies of the existing safeguards system and he noted with satisfaction that the IAEA was addressing the problem through its Programme 93 + 2, and Nigeria supported the Agency in that endeavour. It was unfortunate, however, that the IAEA did not have the resources it needed, and it should be provided with the necessary means to enable it to discharge its new responsibilities.

84. However, the preoccupation with safeguards should not jeopardize the ability of the IAEA to perform its other crucial role regarding the transfer of nuclear technology for peaceful uses. Nigeria, like other developing States parties, attached great importance to the implementation of article IV, and felt that a balance must be maintained in the allocation of resources for effective implementation of the Agency's dual mandate.

85. In demonstration of its commitment to the objectives of the Treaty, Nigeria had concluded a full-scope safeguards agreement with IAEA and hoped that other States which had not yet done so would do likewise. He particularly urged the nuclear-weapon States to open their peaceful nuclear facilities to IAEA safeguards. Greater transparency on the part of those States would strengthen confidence in the Treaty.

86. The international community must adequately address the problem of illegal trafficking in nuclear material. As nuclear warheads were dismantled, fissile material would become readily available, and international cooperation in the physical protection of nuclear material should therefore be strengthened.

87. The establishment of nuclear-weapon-free zones was a vital element of the non-proliferation regime and an important disarmament measure; the African countries were on the verge of finalizing a treaty establishing such a zone in Africa. The effective implementation of that treaty would require, inter alia, that the nuclear Powers should respect the status of that zone and support Africa in its quest to rid the region of all weapons of mass destruction, including nuclear weapons. Similarly, Nigeria and the other members of the zone of peace and cooperation of the South Atlantic had in 1994 declared the South Atlantic to be a nuclear-weapon-free zone. The cooperation of the nuclear-weapon States would be crucial in the realization of that goal as well. He also welcomed other initiatives aimed at establishing nuclear-weapon-free zones, particularly in South-East Asia and the Middle East.

88. Mr. OSTROWSKI (Poland) recalled that his country had joined the non-proliferation system as a non-nuclear-weapon State and had placed all its facilities under IAEA safeguards. The universal application of full-scope safeguards satisfied both common sense and the international desire for security. Originally, the safeguarding of nuclear material through accountancy, containment and surveillance had been the only possible approach, and given the level of technology and financial resources available, access to fissionable materials had been sufficiently difficult. For 20 years, that scheme had fulfilled expectations, but when undeclared activities had been discovered in Iraq, it had become necessary to make improvements. It was in that context that IAEA had sought to deal with possible undeclared activities by setting up the 93 + 2 programme, which provided for regular inspections and environmental monitoring. An analysis of the model safeguards agreement showed that legal authority existed for a whole range of proposed new measures. For its part, Poland was prepared to adapt to any new legal instrument that might be needed to make the programme work and hoped that other countries would do the same. Lastly, with regard to export controls, States must understand their responsibilities under article III of the Treaty, but also under articles I and II. International export agreements also created a framework for cooperation, as mandated under article IV.

89. Mr. AYADI (Algeria) said that by becoming a party to the Treaty on 12 January 1995 his country had demonstrated its commitment to the goals of that instrument and had made a contribution to the effort to universalize the non-proliferation regime. A full-scope safeguards agreement was being prepared, and Algeria had already placed its two reactors for research and the production of radioisotopes under IAEA safeguards, thereby demonstrating its readiness to enjoy the technological benefits that could be derived from peaceful uses of the atom.

90. Through its cooperation with IAEA, which had always been based on the notion of transparency, Algeria had sought to extend the application of nuclear technology to such areas as health, agriculture, foodstuffs monitoring and the environment. Both the provisions of the Treaty and the IAEA Statute affirmed the inalienable right of non-nuclear States to use nuclear energy for peaceful purposes. The Agency's resources should be increased so that it could perform its duties in that regard.

91. The Committee must promote that constructive view of the Agency's role, but it must not try to supersede the competent bodies by taking decisions on the issues before it.

92. Mr. WHEELER (South Africa) said that South Africa had developed a nuclear deterrence programme but had subsequently decided to dismantle all its nuclear devices, a step from which the Committee could learn some important lessons. Firstly, it was possible for a State with a well developed technological infrastructure and extended fuel-cycle activities to develop nuclear-weapons capability in spite of export control regimes. Secondly, South Africa had abandoned its nuclear deterrence programme as soon as the international climate had changed. However important safeguards and export control regimes might be, it was only by adequately addressing the security concerns of States, especially in a regional context, that nuclear proliferation could be halted. South Africa therefore strongly supported the objectives of article VII of the Treaty.

93. The Treaty's largely positive aspect should be emphasized. The overwhelming majority of Member States had abided by their commitments, as IAEA had verified. However, there had been two events in recent years to which IAEA had reacted by reviewing safeguards practices. His delegation fully supported a system that would not be more onerous but would be more flexible and would provide greater assurance of the absence of undeclared nuclear activities. Exporters could then have greater confidence in the intentions and activities of technology importers. The benefits of technology transfers to States that needed them and could benefit from them would offset any increase in costs the new system might entail.

94. With regard to paragraph 2 of article III of the Treaty, the Zangger Committee should be commended for the role it had played; however, the export control regimes authorized under that provision were often contrary to the spirit of article IV. He was pleased that the concerns of the non-nuclear-weapon States parties to the Treaty had been addressed as a result of greater transparency and an increase in the number of States parties.

95. South Africa looked forward to the day when the situation foreseen in article VI was finally realized by means of an effective treaty aimed at cutting off the production of nuclear material and a comprehensive test-ban treaty, whose verification still posed technical problems. The peaceful use of weapons-grade nuclear stockpiles posed a new challenge, and the risks of re-proliferation would have to be balanced against the benefits of the peaceful use of those materials.

96. Mr. DE LA TORRE (Argentina) said that although Argentina had not become a party to the Treaty until February 1995, it had already demonstrated its commitment to the goals of that instrument through a number of decisions taken over the years. In July 1991, for example, it had concluded an agreement with Brazil that had led to the establishment of a body for the control and accountancy of nuclear material. In 1994 it had concluded a full-scope safeguards agreement with IAEA. In addition, all its nuclear facilities had been placed under the safeguards regime.

97. Argentina had also taken various steps to abide by the provisions of the Treaty concerning horizontal non-proliferation, and a stringent import control regime had been in place since 1992. Argentina was also a full member of the Nuclear Suppliers Group and had recently become a member of the Zangger Committee.

98. In the area of cooperation in the peaceful uses of nuclear energy, Argentina had recently concluded cooperation agreements with several countries, and other agreements were in preparation. Argentina had also participated actively in the IAEA technical cooperation programme.

99. Lastly, with regard to article VII, Argentina was a party to the Treaty of Tlatelolco, which it had accepted without reservations.

100. In view of the seriousness of the recent violations of the Treaty by Iraq and by the People's Democratic Republic of Korea, it was imperative that the safeguards regime should be strengthened, and his delegation supported the development of technological resources for detecting declared and undeclared nuclear activities. States parties had a duty to cooperate fully with IAEA. Argentina supported the 93 + 2 Programme and also believed that the Agency must be able at a reasonable cost, to obtain data and have access to facilities, whether or not in the context of special inspections. In that spirit, Argentina had cooperated fully with IAEA in environmental monitoring at its Pilcaniyeu facility.

101. Argentina was party to various conventions relating to nuclear security and welcomed the unilateral offer to place surplus fissionable material under IAEA safeguards. It likewise favoured a convention to halt the production of fissionable material.

102. Mr. SHOUKRY (Egypt) said that he attached particular importance to two items on the agenda. Egypt had always strongly supported an effective safeguards regime, which must be applied if confidence was to be built. All States parties must be urged to abide by that regime.

103. There was also an urgent need to establish nuclear-weapon-free zones, particularly in the Middle East. It was extremely important that Israel should participate in that regime and that all States in the region should cooperate in good faith in order to establish a nuclear-weapon-free zone. The progress made in that area in Africa was encouraging.

104. The CHAIRMAN announced that the Committee had concluded its general debate.

The meeting rose at 6.50 p.m.